

IN THE UNITED STATES DISTRICT COURT

FILED
BILLINGS DIV.

FOR THE DISTRICT OF MONTANA

2008 MAY 27 AM 10 09

BILLINGS DIVISION

PATRICK E. DUFFY, CLERK

RICHARD A. BROWN,

) CV-07-84-BLG-RFC

BY DEPUTY CLERK

Plaintiff,

)

vs.

)

THE DEPARTMENT OF EDUCATION,

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE

Defendant.

)

On April 30, 2008, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends this Court dismiss Plaintiff's Complaint and Amended Complaint.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the April 30, 2008 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

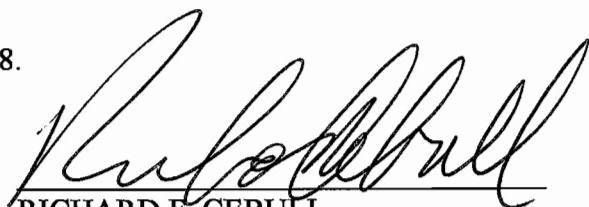
After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Plaintiff needed to raise and prosecute all claims regarding the collection of his student loans debts in his first civil action, *see* Civil Action 05-CV-87-BLG-RFC. Plaintiff did not do so and as such, his claims raised in this case are barred by res judicata.

Accordingly, **IT IS HEREBY ORDERED** Plaintiff's Complaint (*Doc. 2*) and Amended Complaint (*Doc. 6*) is **DISMISSED**.

The Clerk of Court shall notify the parties of the making of this Order and close this case accordingly.

DATED the 21 day of May, 2008.



RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE